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10/596,424	06/06/2007	Jeroen Adrianus Johannes Thijs	NL031475	6445

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EXAMINER

JAMA, ISAAK R

ART UNIT

PAPER NUMBER

2617

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/596,424

**Applicant(s)**

THIJS ET AL.

**Examiner**

ISAAK R. JAMA

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1, 5 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6-11, and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1-20 are pending.
2. Claims 2-4, 6-11 and 13 are amended.
3. Claims 1, 5 and 12 are canceled.
4. Claims 14-20 are added.

### ***Response to Arguments***

Applicant's arguments filed 01/30/2009 have been fully considered but they are not persuasive. In regard to the Applicant's argument pertaining to claim 2, that Lowell does not disclose detection means arranged to activate navigation means, indeed Lowell discloses that "depending upon the locations of the equipment, the equipment alarm preferably also provides location information regarding the victim's location to guide the person with the equipment to the victim. This location information may be provided by various location indicating systems such as a locator unit system or GPS locator system or a local transmitter system and the emergency signals include location signals, such as GPS signals or other location indicating signals received at the victim's location. The emergency signal may also be received at an emergency response center which sends an emergency response person to the victim, again using location information provided by the location signals transmitted with the emergency signals" [Column 4, lines 31-42].

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2-4, 6-11, 13 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,292,687 (Lowell et al.).

Regarding claims 2, 4 and 11, Lowell teaches an emergency response system for summoning an emergency responder and for routing said responder to a victim **[Figure 1]**, said system comprising; a central station **[Figure 1, # 31]** for actuating a remote emergency response device by transmitting a trigger signal to said device upon a signaling of a victim in a vicinity of said emergency response device **[Column 5, lines 6-15]**, wherein said trigger signal comprises position information of the victim **[Column 7, lines 32-33]**; and an actuatable emergency response device **[Figure 1, # 28]** comprising: communication means arranged to activate a signaling means upon receipt of the trigger signal; signaling means arranged to broadcast a message for summoning an emergency responder to the victim **[Column 5, lines 4-13]**; navigation means arranged to determine a routing of the emergency responder to the victim based on the position information of the victim and position information of the emergency response device **[Figure 1, # 38; column 7, lines 59-64]**; a user interface arranged to feed back the routing to the emergency responder **[Column 8, lines 5-12]**; and detection means arranged to activate the navigation means upon detection of an interaction with the

emergency response device **[Column 3, lines 4-13; i.e. the alarm signals preferably also include additional location signals such as global positioning satellite signals (GPS signals) or other signals which pinpoint the location of the victim when response personnel are receiving the alarm at a response location distant from the victim or at the AED machine when the AED machine is located outside the immediate area of the victim ]**.

7. Regarding claims 3 and 10, Lowell teaches a system wherein the emergency response device comprises an automatic external defibrillator **[Figure 1, # 33, abstract]**.

8. Regarding claims 6 and 7, Lowell teaches a device wherein the communication means comprises a wireless telecommunication means or wired telecommunication means, said wired telecommunication means comprising at least one of a computer modem or a fixed line telephone unit **[Column 6, lines 55-63]**.

9. Regarding claim 8, Lowell teaches that the signaling means comprises a wireless communication unit configured to contact all wireless communication units located in the vicinity of the wireless communication unit **[Figure 1, i.e. communication interface signal is wirelessly communicating with the emergency response center]**.

10. Regarding claim 9, Lowell teaches that the signaling means comprises a loud speaker arranged for broadcasting a verbal message **[Column 7, lines 32-36]**.

11. Regarding claim 13, Lowell teaches that the emergency response device selected is an automated external defibrillator **[Column 5, lines 8-15]**.

12. Regarding claim 16, Lowell further teaches that user interface comprises a display configured to project the routing instructions and a map of the routing instructions **[Column 8, lines 8-14, i.e. An Alpine PowerNav system will display a map showing the route to the location and will provide audio instructions telling a person in the vehicle when to turn, in which direction to turn, and how far to go before turning to guide the person and vehicle to the desired location. Thus, with a victim location, the emergency response person can be guided to the victim].**

13. Regarding claim 17, Lowell further teaches that user interface comprises a display configured to project instructions to guide the emergency responder through steps of delivering a defibrillation shock **[Column 1, lines 48-52, i.e. AED machines are currently available that can be operated by untrained persons by merely reading simple instructions on the AED or listening to voice instructions generated by the AED during use].**

14. Regarding claim 18, Lowell teaches that navigation unit stores a floor plan of at least a portion of a building in which the emergency response device is located and the user interface displays at least a portion of the floor plan as part of the routing fed back to the emergency responder **[Figure 3, columns 10 & 11, lines 66-67 and 1-8].**

15. Regarding claim 19, Lowell further teaches that the detector comprises a movement detector configured to detect when the emergency response device is picked up by the emergency responder **[Column 5, lines 42-48; i.e. the user might inadvertently remove the heart dysfunction reader without deactivating the system first, or the heart dysfunction reader might be inadvertently knocked off**

**or out of position during sleep or other activity of the user, which would result in the heart dysfunction reader reading a lack of sign or signal that the sensor would indicate as an alarm condition].**

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,292,687 (Lowell et al.) in view of U.S. Patent Number 5,685,786 (Dudley)

2. Regarding claims 14 and 15, Lowell has been discussed above in regard to claim 2, above. But Lowell does not specifically teach that central station comprises a look-up table of pre-stored position information of publicly available actuatable emergency response devices and is configured to automatically transmit the trigger signal to a selected emergency response device. Dudley teaches a system and method for providing position and other information to a golfer playing a golf course [**Column 1, lines 11-13**], whereby a differential global positioning satellite receiver (DGPS) is utilized to calculate a golf cart position and each time the cart stops, the detected position is compared with positions of landmarks mapped to zones on holes of the course. A location of each landmark is predetermined and stored in a look-up table, after which the golf cart position is compared with the pre-stored positions to obtain a

distance between the golf cart and each landmark **[Abstract]**. Furthermore, Lowell teaches that AED units (i.e. emergency response device) each have an AED alarm on or associated with the unit so that a victim's emergency condition activates the victim's personal alarm and the alarm at the AED location. This means that a response person, who can be any person who becomes aware of the alarm, will have help both in finding the victim who needs immediate help and in finding an AED machine to use in providing the immediate help to the victim, but Lowell is silent on that the position of the emergency response device is pre-stored. Dudley teaches that location of each landmark is predetermined and stored in a look-up table. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the locating method of Dudley into the medical emergency response system of Lowell in order to improve the response of the emergency medical personnel.

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,292,687 (Lowell et al.) in view of U.S. Patent Number 6,459,371 (Pike).

4. Regarding claim 20, Lowell has been discussed above in regard to claim 2, above. But Lowell does not specifically teach that detector comprises a release clutch configured to detect when the emergency response device is removed from its dwell location by the emergency responder. Pike teaches a locating device that comprises a sensor for sensing a signal containing position locating information **[Abstract]**, whereby when the locating device is activated, a control device causes a radio transceiver to transmit an alarm signal **[Column 3, lines 10-12]**, and that the activating means may



comprise a switch provided on the locating device, a remote switch having means for transmitting an activation signal to the locating device, means for sensing unauthorized removal of the locating device, means for sensing excessive movement, lack of movement and/or tilting of the locating device, means for sensing an activating signal transmitted to the locating device from a remote transmitter, either directly or via the radio transceiver [Column 3, lines 30-38]. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the sensor method of Pike into the medical emergency response system of Lowell in order to facilitate a rapid response from the emergency medical personnel.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAK R. JAMA whose telephone number is (571)270-5887. The examiner can normally be reached on 7:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IRJ/

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617